

Remarks

This is in response to the final Office Action mailed on October 20, 2004. Claim 30 has been amended. Support for the amendment to claim 30 can be found, for example, at page 9, line 22 through page 10, line 19 of the present application. Claims 41-45 have been added, support for claims 41-45 being found, for example, at Tables 1 and 2 of the application. Claims 30 and 32-45 remain pending in the application, with claim 30 being the only independent claim. Reconsideration and allowance are requested in view of the following remarks.

I. Interview Summary

Applicants' representatives, Matthew A. Doscotch and Robert A. Kalinsky, interviewed the present application with Examiner Yoon by telephone on December 30, 2004. Applicants appreciate the courtesy extended by Examiner Yoon. During the interview, claim 30 and Moore et al., U.S. Patent No. 3,758,317, and George et al., U.S. Patent No. 4,659,610, were discussed. Agreement regarding the allowability of the claims was not reached. The amendments and remarks contained herein are consistent with the discussions held during the interview.

II. Claim Rejections - 35 U.S.C. § 102

A. Rejection Based on Moore

Claims 30, 36, and 40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Moore et al., U.S. Patent No. 3,758,317. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

Claim 30 recites a composition including:

- in the range of about 15 to 45 % by wt. carrier solvent; and
- in the range of about 0 to 70 % by wt. additional solid additives.

As stated in the rejection, Moore discloses at Example 1 an adhesive composition including 62.7 % by wt. water. Moore therefore fails to disclose or suggest a composition including in the range of about 15 to 45 % by wt. carrier solvent, as recited by claim 1.

Reconsideration and allowance of claim 30, as well as claims 36 and 40 that depend therefrom, are therefore respectfully requested.

B. Rejection Based on George

Claims 30 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by George et al., U.S. Patent No. 4,659,610. This rejection is respectfully traversed, and reconsideration is requested in view of the following remarks.

The rejection identifies Table III and claim 1 of George as disclosing the composition recited in claims 30 and 36. The following table provides a calculation of the percentages of the components of the composition identified in Table III of George:

Component	Amount of Component	Fiber	Binder	Water	Total Solvent	Additives
Water	32			32	32	
Colloidal Silica	60 (34% solids)		60		39.6	
Monoaluminum Phosphate	40 (42% solids)		40		23.2	
Alumina-Silica Fiber	48	48				
Aluminum Chlorohydrate	40 (32% solids)		40		27.2	
Catalyst	10					10
Water	96			96	96	
Totals:	326	48	140	128	218	10
Percentages:	100%	14.7%	42.9%	39.3%	66.9%	3.1%

As illustrated by the above table, there is approximately 66.9% total solvent in Example III of George. George therefore fails to disclose a composition including in the range of about 15 to 45 % by wt. carrier solvent, as recited by claim 30.

Further, even if the composition in Table III is modified as suggested at column 6, lines 54-57 of George to include a 1.0 to 1.0 ratio of MAP, ACH, and colloidal silica (all in solvent - collectively referred to as "George Binder") to water, this would still in a greater percentage of overall solvent because the percentage of binder is greater than the percentage of water in Table III. Therefore, creation of a 1.0 to 1.0 ratio of George Binder to water would require an increase in the percentage of water, thus causing a corresponding increase in the percentage of overall solvent.

Reconsideration and allowance of claim 30, as well as claim 36 that depends therefrom, are therefore respectfully requested.

III. Claim Rejections - 35 U.S.C. § 103

Claims 30, 32, 33, 35, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over George. This rejection is respectfully traversed, and the correctness of the rejection is not conceded.

For at least the reasons provided above, George fails to disclose or suggest a composition including in the range of about 15 to 45 % by wt. carrier solvent, as recited by claim 30. Reconsideration and allowance of claim 30, as well as claims 32, 33, 35, and 36 that depend therefrom, are respectfully requested.

IV. Allowable Subject Matter

Claims 34 and 37-39 are noted as being allowable. Applicants appreciate the Examiner's assistance in identifying allowable subject matter. All claims are in condition for allowance.

V. New Claims 41-45

New claims 41-45 all depend from claim 30 and should therefore be allowable for at least the same reasons as those provided above for claim 30. Consideration and allowance are respectfully requested.

VI. Conclusion

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. The Examiner is encouraged to contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: January 5, 2005

By: 
Name: Matthew A. Doscotch
Reg. No.: 48,957
MAD/RAK